

GOVERNMENT OF TELANGANA
ABSTRACT

Tribal Welfare Department – Telangana State - Adilabad District – Issue of Agency Area Local ST Certificates under G.O.Ms.No.24, dated 12.6.2018 of TW (LTR.1) Department – Declared as not local Scheduled Tribe by the Collector & District Magistrate, Adilabad vide Proc.No.C3/2282/2019-7 dated 30.04.2021 - Appeal filed by Chavan Deepa, D/o. Kishore, R/o. Indravelly Village and Mandal Adilabad District - Appeal Allowed – Orders – Issued.

TRIBAL WELFARE (LTR) DEPARTMENT

G.O.Ms.No. 8

Date: 17.02.2022,
Read the following:-

1. G.O Ms.No.24, TW (LTR.1) Department, dated 12.6.2018.
2. Proc.No.C3/2282/2029-7, dated 30.04.2021 of the Collector & District Magistrate, Adilabad District.
3. Appeal petition filed by Chavan Deepa, D/o. Kishore, R/o. H.No. 6-36, Indravelly Village and Mandal, Adilabad District, dated 12.07.2021 received through the Endt.No. 1976/M/(STW, W&CW), dated 15.07.2021.
4. Govt.Memo No.878/TW.LTR/2021, dated 24.07.2021.
5. Govt.Notice.No.1162/TW.LTR/2021, dated 24.07.2021.
6. Lr.Rc.No.D5/309/2018, dated:30.07.2020 received from the PO, ITDA, Utnoor, Adilabad District.

ORDER:

In the reference 1st read above, Government have issued detailed guidelines for issue of Agency Area Local Scheduled Tribe Certificates to the local STs living in the Scheduled Areas and procedure to be adopted for cancellation of such certificates in case of fake/bogus claims.

2. In pursuance of the said Government orders in reference 1st read above, the Collector & District Magistrate, Adilabad District vide proceedings 2nd read above, has issued orders declaring that Chavan Deepa D/o Kishore R/o Indravelly village and Mandal of Adilabad District is not a Local Schedule Tribe as per definition of G.O.Ms.No.24, TW (LTR-1) Department, dated 12.06.2018 on the following reasons:

- On verification of Khasra Pahani 1954-55 in which name of Sri Deepchand S/o Allaram was recorded against Sy.No.3 to an extent of 16.03 acres situated at Narsapur-B village of Utnoor Mandal as pattedar and as per the wasool baqui the old Sy.No.3 was not assigned new Survey Number and as per Sethwar the Sy.No.3 was recorded as Poramboke only.
- Sri Deepchand S/o Allaram is pattedar in Sy.No.3 for the Fasli 1358 and in family tree name of Sri Sanga @ Sangram was shown as only son of Sri Deepchand and his son name is Gambeerya – but the relationship among above three persons i.e. Sri Deepchand S/o Allaram, Sangram S/o Deepchand and Sri Gambeerya S/o Sangram was not being established with any documentary evidence.

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- Thus, the candidate has failed to produce any documentary evidence from the year 1954-55 to 1963-64. The gap period for more than (11) years is highly doubtful.
- So, the above observations of the Scrutiny Committee were found valid and moreover the candidate had not produced any documentary evidence to prove her or her forefathers residence in Agency area since 1950.

3. Aggrieved by the cancellation orders of the Collector & District Magistrate, Adilabad District, the Appellant Chavan Deepa D/o Kishore R/o Indervelly Village & Mandal of Adilabad District has filed an Appeal before the Government with the following grounds:

- She has been provisionally selected for the post of Junior Panchayat Secretary under Agency Area Local ST category of Adilabad District and accordingly verification of her local ST status was taken up by the Scrutiny Committee headed by the Project Officer, ITDA, Utnoor and finally declared her as not local ST as per definition of G.O. Ms.No.24, TW (LTR) Department dated 12.06.2018 by the Collector & District Magistrate, Adilabad through Procgs.No.C3/2282/2019-7, dated 30.04.2021.
- The Scrutiny Committee nor the District Collector, Adilabad examined documents properly and did not consider her explanation which is against principles of natural justice.
- Despite her submission that she is the own sister of Chavan Dharmender whose case was previously on the same grounds and the Government in Appeal considered the evidences produced by her brother, allowed his Appeal Petition and issued orders in G.O. Ms.No.40, dated 22.12.2020 declaring him as local ST of Agency Area of Indervelly village in Adilabad District.

4. The Appellant Chavan Deepa D/o Kishore has submitted the following documentary evidences in proof of her claim that she belongs to the local ST category of the Agency Area of Adilabad District:

i) Family Tree

Deepchand S/o Allaram is great great grandfather and he has only one son namely Sanga Alias Sangram

Sanga @ Sangram (great grandfather) has four sons namely 1) Gambeerya @ Gambeera 2) Farida 3) Raaga 4) Narayan.

Gambeerya @ Gambeera (grandfather of appellant) has one son and three daughters namely 1) Kishore (father of appellant) 2) Gulabi Bai 3) Kesri Bai 4) Vimala Bai.

Kishore (father of appellant) has six children 1) Sandhya Rani (daughter) 2) Vanitha (daughter) 3) Dharmender (son) 4) Deepa (daughter and appellant) 5) Nandu (son) and 6) Pramod (son).

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- ii) Fasli 1358 (1948 year) – Narsapur-K village – Utnoor Mandal – true copy issued by Dy.Tahsildar, Utnoor (M) on 20.02.2019 – Deepchand (great grandfather of appellant) was in possession of acs.16.30 gts in Sy.No.3.
- iii) Pahani for 1954-55 – Narsapur-K village – Utnoor Taluq – Deepchand (great grandfather of appellant) was recorded in Sy.No.3 for an extent of acs.16.30 gts.
- iv) Teensal pahani (1955-56, 1956-57, 1957-58) Narsapur-K village – Utnoor Taluq – Deepchand (great grandfather of appellant) was recorded in Sy.No.3 for an extent of acs.16.30 gts.
- v) Pahani for the years 1958-59 to 1960-61 – Narsapur-K village – Utnoor Taluq – Deepchand (great grandfather of appellant) was recorded in Sy.No.3 for an extent of acs.16.30 gts.
- vi) Name of Deepchand was found recorded in Wasool Baqui for the year 1961.
- vii) Pahani for 1962-63 – Narsapur-K village – Utnoor Taluq - Name of Gambeerya (grandfather of appellant) was recorded for an extent of acs.12.00 in Sy.No.3 (old) new Sy.No.5.
- viii) Pahani for 1968-69 – Narsapur-K village – Utnoor Taluq – Name of Gambeerya (grandfather of appellant) was recorded for an extent of acs.7.06 gts in Sy.No.3.
- ix) Pahani for 1972-73 – Narsapur-K village – Utnoor Mandal – 1972-73 – Name of Kishore S/o Gambeera (father of appellant) was recorded in Sy.No.3 for an extent of acs.4.00.
- x) Pahani for 1988-89 – Narsapur-K village – Utnoor Mandal – Name of Kishore S/o Gambeera (father of appellant) was recorded in Sy.No.3/36 for an extent of acs.4.00.
- xi) Pahani for 1999-2000 – Narsapur-K village – Utnoor Mandal – Name of Chawan Kishore S/o Gambeera was recorded in Sy.No.2-3 for an extent of acs.1.18 gts.
- xii) PPB No.T13180090003 – Khata No.4 – Narsapur-Khurd village, Utnoor Mandal, Adilabad District – Name of Chawan Kishore S/o Gambeera (father of appellant) was recorded for an extent of acs.1.18 gts in Sy.No.2/3 and acs.4.21 in Sy.No.3/18.
- xiii) Voter list for the year 1977 – 243 Khanapur Assembly Constituency – Part No.90 – Narsapur-B village – names of Farida S/o Sanga and Gambeerya S/o Sanga (grandfather of appellant) were recorded at Sl.Nos.391 and 441 under H.No.3-7A and H.No.3-19.
- xiv) Agency Area Local ST Certificate bearing R.C.No.C/639/2019, dt.04.09.2019 issued by Tahsildar, Indervelly Mandal, Adilabad District, wherein it was certified that Kum Chavan Deepa D/o Ch. Kishore belongs to ST Lambadis ST community notified

under Article 342 of the Constitution of India and her parents/grandparents have been continuously residing at Narsapur-B village of Utnoor Mandal, then after migrated to Indervelly-B village of Indervelly Mandal in the year 1987, which are notified scheduled villages as per Scheduled Areas (Part-B States), Order, 1950.

xv) Copy of PESA Gram Sabha Resolution – Jaithramtanda, Narsapur-B village, Utnoor Mandal, Adilabad Dist. – Grandfather of Chawan Kishore namely Sangram lived in Jaithramthanda from before 1950 and died in Jaithramthanda in 1956. He has four sons namely 1) Gambeera 2) Fareeda 3) Raga 4) Narayana – they were born in Jaithramthanda before 1950. In 1967, Raaga and Narayana migrated to Thadihathnoor while Gambeera and Farida were cultivating in Narsapurthanda – both died before 1990. Gambeera has three daughters and one son namely 1) Gulabibai – she was married to Ade Surya S/o Lalsingh before 1950 and expired; 2) Kesaribai was married in 1955 to Jadhav Ramunaik S/o Mansingh R/o Yenda village. She also expired; 3) Vimalabai was married in 1960 to Rathod Namdev S/o Gema R/o Dadonda. She is alive now aged 80 years. Thus, the family of Chawan Kishore was lived in Jaithram thanda before 1950.

xvi) Copy of GO Ms.No.40, TW (LTR) Department, dated 22.12.2020 – wherein the Government after careful examination of the documents submitted by his own brother Chavan Dharmender S/o Kishore found that their family has been continuously living in the agency villages i.e. Narsapur-B of Utnoor and Indervelly-B of Indervelly Mandal in Adilabad District – thus are local STs of agency villages of Adilabad District and accordingly allowed the Appeal petition filed by his brother treating the LSTAC issued by the Tahsildar, Indervelly bearing R.C.No.C/267/2018, dated 25.7.2018 as valid and also set aside cancellation orders of the Collector & District Magistrate, Adilabad in procs.No.C3/2596/2019-14, dated 01.02.2020.

5. Therefore, in the view of the above documentary evidences, the Appellant Chavan Deepa has prayed the Government to consider her Appeal on the lines of his brother viz., Chawan Dharmender whose Appeal was allowed by the Government in G.O. Ms.No.24, TW (LTR) Department, dated 12.6.2018, in the interest of equity of justice.

6. In the reference 4th read above, the Collector & District Magistrate, Adilabad has been requested to submit connected documents pertaining to the case along with para-wise remarks.

7. Accordingly, in the reference 6th read above, the PO, ITDA, Utnoor, Adilabad District has submitted the connected documents of the case along with remarks.

8. In the reference 5th read above, a Notice has been sent to the Appellant to attend for hearing on 31.07.2021 at 2.00 PM before the Government to prove her claim along with documentary evidences. Accordingly, the Appellant has attended for hearing on 31.07.2021 and submitted certain documents along with copy of G.O.Ms.No.40, Tribal Welfare (LTR) Department, dated 22.12.2020.

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9. Upon perusal of the record and documents produced by the Appellant before the Government, it is found that Government after careful and detailed examination of the record and documentary evidences produced by Chavan Dharmender S/o Kishore i.e. own brother of the Appellant herein viz., Chavan Deepa D/o Kishore R/o Indervelly village and Mandal, allowed his Appeal petition and issued orders in G.O.Ms.No.40, TW(LTR) Department dated 22.12.2020.

10. Government after careful examination of the matter, decided to take a similar view in the present Appeal also and accordingly allow the Appeal filed by Chavan Deepa D/o Kishore declaring her as Agency Area Local ST of Indervelly village and Mandal of Adilabad District duly setting aside orders of the Collector & District Magistrate, Adilabad in the procs.No.C3/2282/2019-7, dated 30.04.2021 and also treated her Agency Area Local ST Certificate bearing R.C.No.C/639/2019, dated 04.09.2019 issued by the Tahsildar, Indervelly Mandal, Adilabad District, as valid.

11. The Collector and District Magistrate, Adilabad District shall take further necessary action accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF TELANGANA)

Dr. CHRISTINA Z.CHONGTHU
SECRETARY TO GOVERNMENT

To

1. The Collector and District Magistrate, Adilabad District (By RPAD)
2. Chavan Deepa, D/o. Kishore, R/o. H.No. 6-36,
Indravelly Village and Mandal, Adilabad District (By RPAD)

Copy to:

1. The Secretary, Telangana State Public Service Commission,
Hyderabad (for information & necessary action)
2. The Project Officer, ITDA, Utnoor, Adilabad District
(for information & necessary action)
3. The District Panchayat Officer, Adilabad
(for information & necessary action)
4. The Deputy Director (TW), Utnoor, Adilabad District.
5. The Tahsildar, Indravelly Mandal, Adilabad District,
6. The PS to Hon'ble Minister for ST Welfare for information.
7. The PS to Secretary (TW)
8. The PS to Special Secretary (TW)
9. SF/SC.

//FORWARDED :: BY ORDER//

SECTION OFFICER